

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**928 CIVIL APPLICATION NO.7062 OF 2010
IN FAST/12298/2010**

**THE STATE OF MAHARASHTRA AND ANR
VERSUS
GOPAL TUKARAM PATE**

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AGP for Applicants : Mrs. D.S. Jape
Advocate for Respondent : Mr. Ashwin V. Sakolkar h/f Mr. Sakolkar
Vijay G.

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CORAM : S.G. MEHARE, J.

DATED : 07th JUNE, 2022.

PER COURT:-

1. Heard learned AGP for the applicants and learned counsel for the respondent.
2. The learned AGP would submit that there is a delay of 575 days in preferring the appeal. The delay is not deliberate. The appellant has a good case on merit. The LAR Court has exorbitantly enhanced the compensation without having substantial evidence produced by the respondents. No harm shall be caused to the respondents if the delay is condoned.
3. Learned counsel for the respondent has vehemently opposed the application contending that the reasons mentioned in the application are not sufficient and proper. The appellants were not diligent in preferring the appeal in time, and hence the application

deserves to be dismissed.

4. Perused the application and the impugned award. The Hon'ble Apex Court in the case of *Dhiraj Singh (Dead) Through Legal Representatives and Others Vs. State of Haryana and Others, (2014) 14 SCC 127* has taken the view that monetary interest is involved in the land acquisition cases. Therefore, the Court should be pragmatic and liberal in granting the delay condonation applications.

5. Having regard to the guidelines issued by the Hon'ble Apex Court in the above case, this Court is of the view that this is a fit case to condone the delay in the interest of justice. Hence, the following order:

ORDER

- I) The application is allowed.
- II) The delay of 575 days caused in preferring the appeal is condoned.
- III) No order as to costs.
- IV) In appeal, issue notice to the respondent. Learned counsel Shri Ashwin V. Sakolkar waives service of notice for the respondent.
- V) Call record and proceedings.
- VI) The learned AGP, submits that in view of the Government policy, this appeal may not be entertained since it is within four times the award passed by the LAR. So he wants to take instructions on whether to continue the appeal or to get it disposed of.

VII) Hence, list this appeal on 14.06.2022.

(S.G. MEHARE, J.)